

John Christian Barlow #12438
40 North 300 East, Suite 101
St. George, UT 84770
(435)688-1170
Fax: (435)215-2420

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF UTAH, CENTRAL DIVISION

PENI COX, an individual,

Plaintiff,

vs.

RECONTRUST COMPANY, N.A.;
BANK OF AMERICA HOME LOANS
SERVICING, LP; BANK OF AMERICA,
FSB; NEW LINE MORTGAGE, DIVISION
OF REPUBLIC MORTGAGE HOME
LOANS, LLC; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., and DOES 1 – 5,

Defendants.

EMERGENCY MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
RECONTRUST RE CLAIM ONE AND
TWO

2:10-cv-00492-CW-SA
Honorable Clark Waddoups
Magistrate Judge Samuel Alba

EMERGENCY MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST
RECONTRUST RE CLAIM ONE AND TWO

Plaintiff Peni Cox, by and through her counsel John Christian Barlow, and in accordance with the Federal Rules of Civil Procedure Rule 56(a), submits her EMERGENCY MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST RECONTRUST on claims ONE and TWO of her Complaint.

Specifically, Plaintiff seeks judgment in her favor and against ReconTrust declaring that:

1) ReconTrust is in violation of Utah Code §16-10a-1501, which affects her rights as a home owner;

2) ReconTrust is in Violation of Utah Code § 57-1-21(3) which affects her rights as a home owner;

3) For attorney fees, costs, and sanctions and other remedies as the court deems appropriate.

Dated this 7th day of June, 2010

/s/ John Christian Barlow
John Christian Barlow
Attorney for Plaintiff

CERTIFICATE OF SERVICE

THE UNDERSIGNED CERTIFIES that on this 7th day of June, 2010, a true and correct copy of the foregoing was filed with clerk of the court via EC Fans was therefore served by electronic mail to the following:

Michael Huber
8170 S. Highland Drive, Suite E5
Sandy Utah 84770

Richard F. Ensor
Vantus Law Group PC
3165 East Millrock Drive Suite 160
Salt Lake City Utah 84121

/s/ John Christian Barlow